



IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

I.A. NO.     OF 2013

IN

W.P. (CIVIL) NO. 494 OF 2012

IN THE MATTER OF:

JUSTICE K.S. PUTTASWAMY (RETD) & ANR.

... PETITIONER

VERSUS

UNION OF INDIA & ORS.

... RESPONDENTS

I.A. No. \_\_\_\_\_ of 2013

APPLICATION FOR IMPEADMENT

PAPER - BOOK  
(INDEX OVER LEAF)

ADVOCATE FOR THE APPLICANT: TAPESH KUMAR SINGH

RECORD OF PROCEEDINGS

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AND

IN THE MATTER OF:-

State of Jharkhand,  
through Secretary,  
Department of Information  
Technology, Government of  
Jharkhand, Jharkhand-828111

... APPLICANT

APPLICATION SEEKING IMPLEADMENT AS CONTESTING RESPONDENT

TO

THE HON'BLE THE CHIEF JUSTICE OF INDIA  
AND HIS COMPANION JUDGES OF THE  
SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE APPLICANT  
ABOVE NAMED

MOST RESPECTFULLY SHEWETH:

1. That, the Petitioner above named has chosen to prefer the  
aforementioned Writ Petition under Article 32 of the Constitution of  
India *inter-alia* seeking issuance of a writ in the nature of mandamus  
restraining the Respondent No. 1 and 3 from issuing Adhaar Numbers

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by way of implementing its executive order dated 28.01.2009 which, according to him tantamounts to implementing the provisions of the national Identification Authority of India Bill, 2010 pending before the parliament until and unless the said Bill is considered and passed by the Parliament and becomes an Act. That, the aforementioned said writ petition has been filed by Justice K.S. Puttaswamy (Retired) *inter-alia* assailing the executive action of the Government of India, which has been to implementing an executive order dated 28.01.2009. the petitioner has further contended that issuing Adhaar numbers to both citizens as also illegal immigrants presently illegally residing in the country, while the Bill namely, National Identification Authority of India Bill, 2010 though the bill has already been introduced in the Rajya Sabha on 03.12.2010 and the matter was referred to the standing committee, finance and the said committee by overwhelming majority has rejected the Bill by its decision dated 11.12.2011.

2. That, this Hon'ble Court vide order dated 23.09.2013 passed in the aforementioned Writ Petition (Civil) No. 494 / 2012 *inter-alia* has been pleased to direct that, *"no person should suffer for not getting the Adhaar card inspite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Adhaar card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant."* A true copy of the order is annexed herewith and marked as Annexure: A-1
3. That, the process of issuing Adhaar to the people has been followed vigorously in the State of Jharkhand and it is pertinent to mention

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here that more than 85% population of State of Jharkhand has been covered till date and the remaining population is likely to be covered by 31.12.2013.

4. That, the State of Jharkhand wish to bring on record various other advantages of Adhaar (UID) which is helping in reaching the benefits of various central and State Government Schemes to the actual beneficiaries thereby, avoiding pilferage of funds.
5. That, nearly 1700 machines have been deployed across the state and Permanent Enrollment Centers have been set up in almost all the blocks of the State to cover the process of issuing Adhaar (UID) to the entire population within a short span of time i.e. latest by 31.12.2013. Over 70,000 residents are enrolled per day by deployment of these teams.
6. That, it is incumbent on the Government to discharge its duties and responsibilities in an orderly, effective and transparent manner. It is also a well-established prerogative of the Government to organize its work following sound management practices, periodically re engineer its processes and make use of technology to induce efficiency, convenience, transparency and accountability in the delivery of public services. The Adhaar scheme and its application to public services is a well-considered decision of the Government to ensure that the benefits go to intended individuals, leakages and wastes in the deployment of public funds are reduced and residents can avail services with ease and convenience.
7. The application of Adhaar to the social security benefit schemes is clearly in the larger public interest. Overall, the objective is to clean up delivery system and to ensure that nobody takes away the

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legitimate rights of the beneficiaries. It is indeed for the protection of the rights of beneficiaries.

8. That, it would not be out of place to mention here that since Adhaar number corresponds to a unique record in Adhaar data base, therefore, tagged to a unique individual, merely introduction of Adhaar in the beneficiary database ensures detection of a large number of duplicates. Similar use of Adhaar in delivering services like pensions, scholarships, MGNREGA wages, subsidized food etc could stop huge leakage and in turn the money saved could be utilized in providing additional benefits to the target beneficiaries.
9. That, the impact of the social security benefit schemes would be substantially diluted if Adhaar is not used as the identity proof. The highlighted points in paras 6 to 9 would be significantly compromised and the Government will not only be forced to continue bearing the burden of duplicate and fake beneficiaries, but it will also provide hindrance in delivering services, which is rigged with inefficiency, non-transparency and delay in service delivery.
10. That, it is reiterated that there will be no denial of benefits for absence of Adhaar with a person. State of Jharkhand will ensure the enrolment of beneficiaries who do not have Adhaar. State will also give adequate time to the beneficiaries for this purpose.
11. That, it is pertinent to mention here that the Department of Information Technology, Government of Jharkhand, has also issued a similar circular bearing no. L.N. 1544 dated 04.07.2013 which mandates the use of Adhaar card (UID) for delivery of services and also for availing various public services.

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12. That, the applicant has not been arrayed by the petitioner in the above mentioned Writ Petition bearing W.P. (Civil) No. 494 of 2012 as a contesting respondent, though it has also issued the aforementioned resolution which relates to the *parimateria*.
  13. That, the applicant is a proper and necessary party in this writ petition which has been tagged with the other similar matters bearing T.P. (C) No. 47-48 of 2013, T.P. (C) No. 476 of 2013 and W.P. (C) No. 829 of 2013 this Hon'ble Court vide its order dated 13.08.2013 passed in the above mentioned Writ Petition bearing W.P. (C) No. 494 of 2012.
  14. That, the applicant seeks impleadment as a contesting respondent in the above mentioned Writ Petition (Civil) No. 494 of 2012 in view of what has been stated herein above.
  15. That, irreparable loss and injury will be caused to the applicant if the instant impleadment application is not allowed.
  16. That, the balance of convenience is also in favour of the applicant and no prejudice would be caused to the parties to the Writ Petition bearing W.P. (Civil) No. 494 of 2012 if the instant application is allowed.
  17. That, the instant interlocutory application is being made bonafide and in the interest of justice.

**PRAYER**

It is therefore, most respectfully prayed that Your Lordships may graciously be pleased to:

- a) Allow the instant application seeking impleadment of State of Jharkhand through Department of Information Technology as a

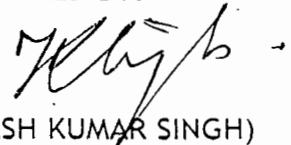


contesting respondent in the above mentioned Writ Petition (Civil)

- No. 494 of 2012; and / or
- b) Pass such other / further order as Your Lordships may deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS, THE APPLICANT AS IN DUTY BOUND,  
SHALL EVER PRAY.

FILED BY:



(TAPESH KUMAR SINGH)

ADVOCATE FOR THE APPLICANT

DATE: 25.10.2013

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. NO. OF 2013

IN

WRIT PETITION (CIVIL) No. 494 OF 2012

IN THE MATTER OF:

JUSTICE K.S. PUTTASWAMY (RETD.) & ANR

... PETITIONER

VERSUS

UNION OF INDIA & ORS.

... RESPONDENTS

AFFIDAVIT

I, Dr. Praveen Jha, S/o. Late Ganesh Jha, aged about 49 years, resident of 208, Shivalaya Apartment, Chandni Chowk, Kanka Road, Ranchi, Jharkhand at present at New Delhi, do hereby solemnly affirm and state as under:

1. That, I am presently posted as Special Secretary, Department of Information Technology, Government of Jharkhand and have been duly authorized by the competent authority to file the impleadment affidavit in the present case. That, even otherwise I am well acquainted with the facts and circumstances of the present case and thus competent to swear and affirm the present affidavit.
2. That, I have read and understood the contents of the accompanying application seeking impleadment as a contesting respondent and I say that the same has been drawn at my instance and the facts stated therein are true to my knowledge.
3. That, the documents marked as annexures to the accompanying application are true copies of their respective originals.
4. That, the accompanying application for impleadment runs from pages 1 to 6 (including the instant affidavit) and contains paragraph 1 to 17.

Praveen Jha / Oct 21, 13

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/s/ [Signature] 10/21/13  
DEPONENT

VERIFICATION:

Verified at New Delhi on this, the 21<sup>st</sup> day of October, 2013 that the averments of facts stated herein above are true and correct to my knowledge and belief nothing material has been concealed therefrom.

/s/ [Signature] 10/21/13  
DEPONENT

ITEM NO.5+56

Court No.5

ANNEXURE - A1  
SECTION PIL

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S.PUTTASWAMY (RETD) & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for stay)

WITH T.P.(C) NO. 47-48 of 2013

(With appln(s) for stay and office report)

(Appln. for deletion of the name of petitioner no. 1)

T.P.(C) NO. 476 of 2013

(With appln(s) for stay and office report)

W.P.(C) No. 829 of 2013

(With appln(s) for interim relief and office report)

Date: 23/09/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. Anil B. Divan, Sr. Adv.

Mr. Ankit Goel, Adv.

Mr. Ranvir Singh, Adv.

Mr. Sanjay Yadav, Adv.

Mr. Anish Kumar Gupta, Adv.

Ms. Deepshikha Bharati, Adv.

Mr. S.S. Shamshery, Adv.

Mr. Rajeev Kr. Singh, Adv.

Mr. Nachiketa Joshi, Adv.

Mr. P.R. Kovilan Poongkuntran, Adv.

Mrs. Geetha Kovilan, Adv.

Mr. Shyam Divan, Sr. Adv.

Mr. Pratap Venugopal, Adv.

Ms. Meenakshi Chauhan, Adv.

Mr. Varun Singh, Adv.

Mr. Gaurav Nair, Adv.

for M/s. K.J. John & Co.

For Respondent(s)

Mr. Mohan Parasaran, SG

Mr. L. Nageshwar Rao, ASG

Mr. Farrukh Rasheed, Adv.

Mr. Alok Mishra, Adv.

Mr. D.S. Mahra, Adv